

Application No. 09/973,337  
Attorney Docket No. 00-424

REMARKS

Reconsideration of this application is respectfully requested. A Request for Continued Examination is submitted herewith.

Claims 1 – 4 and 6 – 20 are now pending in this application. Claim 5 has been cancelled without prejudice. Claims 1, 3, and 10 are amended above. Claims 11 – 20 are new.

The examiner objected to claim 3 as being a substantial duplicate of claim 1. Amendments to claim 3 presented above obviate this objection.

The examiner rejected claims 1 – 7 under 35 USC §112 as being indefinite on the basis that the phrase "said extensible arm" lacks antecedent basis in the claims. The lack of antecedent basis for this phrase was clearly the result of a clerical oversight during prior amendments. The amendments to the claims presented herewith correct this clerical oversight. Thus, amendments made to overcome this rejection are not intended to narrow the scope of the claims.

The examiner rejected claims 1 – 7 and 10 as being anticipated under 35 USC §102 by various patents. In each case, the examiner appears to have interpreted the work "telescopic arm" or "extensible arm" or "telescoping arm" in the claims to cover an extendable hydraulic cylinder, for example as used to raise the boom of a hydraulic excavator as shown in the references relied upon by the examiner. A careful reading of the specification reveals that such an interpretation is not justified. The extensible arm or the telescopic arm previously recited in the claim 1 is clearly intended to be a loading arm connected to the work machine body. In this regard, none of the hydraulic cylinders relied upon by the examiner in support of the rejections of claims 1 – 7 and 10 can be considered a "telescopic arm" as recited in claims 1 – 7 and 10. To clarify the claim language, amendments are presented herewith to more clearly specify that the arrangement as set forth in claims 1 – 7 includes both a telescopic loading arm and also a hydraulic cylinder operable to elevate an end of the telescopic arm relative to the work machine body. These features together with other features recited in claims 1 – 7 are

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not disclosed or even suggested by the prior art document relied upon by the examiner. Accordingly, the examiner's rejection of claims 1 – 7 is not appropriate and should be withdrawn.

In connection with amendments to claim 1, a proposed amendment to Fig. 3 of the drawings is included herewith. A marked-up version of drawing sheet 2/2 is attached showing a hydraulic cylinder as described in Paragraph 9 of the written description. The hydraulic cylinder is conventional and detailed illustration is not essential for proper understanding of the invention. Consequently, the hydraulic cylinder is illustrated in the form of a labeled representation in accordance with 37 CFR §1.83(a). This drawing amendment adds no new matter, as the hydraulic cylinder and its operation are clearly described in the written description. Formal drawings including the proposed amendment will be submitted upon allowance.

The allowance of claims 8 and 9 as originally filed is noted. Claims 10 is amended to recite new limitations and also to depend from claim 8. Accordingly, claim 10 is deemed allowable for the same reasons as claim 8 and also in view of the additional limitations recited in claim 10.

Claims 11 – 20 are new and recite additional features not taught or suggested by the prior art. The additional features recited in claims 11 – 20 are clearly shown in the drawings and discussed in the written description. Thus, the claims are clearly supported by the specification and no new matter is added.

In view of the amendment presented above, this application is considered in condition for allowance. Favorable action is requested.

Respectfully submitted,



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